

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>STANDARD PACIFIC HOMES</b>	)	<b>COMPLAINT NO. R9-2003-0151</b>
<b>RE: SUNBOW UNIT 12</b>	)	<b>FOR</b>
<b>5750 Fleet Street, Suite 200</b>	)	<b>ADMINISTRATIVE CIVIL LIABILITY</b>
<b>Carlsbad, California 92008</b>	)	
	)	
<b><u>Attn: Alan Willingham</u></b>	)	<b>APRIL 16, 2003</b>

**STANDARD PACIFIC HOMES IS HEREBY GIVE NOTICE THAT:**

1. Standard Pacific Homes operates an active construction site on 13.751 acres of land located at Telegraph Canyon Road and Paseo Ladera Drive in the City of Chula Vista, San Diego County. This facility, referred to as the Sunbow Unit 12 in your Notice of Intent (WDID No. 9 37S316829), continues to be regulated under the following: "*State Water Resources Control Board (9SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity*" (Order No. 99-08-DWQ).

**ALLEGATIONS**

2. On February 14, 2003 Standard Pacific Homes discharged potable water, debris, and sediment into the storm water conveyance system and Telegraph Canyon Creek, a tributary to Sweetwater River, in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System Permit (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity (General Permit)*.
3. On February 25, 2003 Standard Pacific Homes discharged sediment laden storm water into the storm water conveyance system and Telegraph Canyon Creek, a tributary to Sweetwater River, in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.
4. On February 25, 2003 Standard Pacific Homes failed to adequately implement its Storm Water Pollution Prevention Plan by implementing best management practices that failed to prohibit sediment from entering the storm water conveyance system during a rain event in violation of Special Provisions for Construction Activities C.2 of Order No. 99-08-DWQ.

**AUTHORITY TO IMPOSE CIVIL LIABILITY**

5. Standard Pacific Homes is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability under §13385 of the California Water Code.
  - a. Section 13385(a)(2) provides that any person who violations waste discharge requirements shall be civilly liable.
  - b. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs and where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

**PROPOSED CIVIL LIABILITY**

6. Based on consideration of the factors listed in §13385 of the California Water Code, civil liability should be imposed on Standard Pacific Homes by the SDRWQCB in the amount of \$30,000 based on the information contained in *Technical Analysis, Proposed Civil Liability Contained in Complaint No. R9-2003-0151, Standard Pacific Homes, Noncompliance with Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity (General Permit).*

**PUBLIC HEARING**

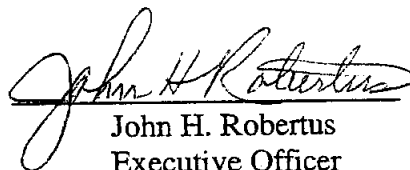
7. A public hearing on this matter has been scheduled at the Regional Board meeting on:

**June 11, 2003  
at the Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California**

9. The meeting is scheduled to begin at 9:00 a.m. A copy of the agenda for the June meeting, which provides information pertaining to submittal of information and hearing procedures, will be sent to you under separate cover approximately ten days prior to the meeting.

10. At the hearing, Standard Pacific Homes will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB.
11. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein, and if the allegations are found to be true, will consider whether or not to assess civil liability in the amount proposed by this Complaint, or in some other amount. The SDRWQCB may refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation).

Dated this 16th day of April, 2003

By:   
John H. Robertus  
Executive Officer